

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

PHILLIP A. PEAUVY

Appellant

v.

DIVISION OF EMPLOYMENT SECURITY

Respondent

DOCKET NUMBER WD76827

DATE: August 5, 2014

Appeal From:

LABOR AND INDUSTRIAL RELATIONS COMMISSION

Appellate Judges:

Division Three

Gary D. Witt, P.J., Joseph M. Ellis, and Thomas H. Newton, JJ.

Attorneys:

Phillip A. Peavy, Kansas City, KS

Appellant Acting Pro Se

Attorneys:

Bart Matanic, Jefferson City, MO

Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

PHILLIP A. PEAVY, Appellant, v. DIVISION OF
EMPLOYMENT SECURITY, Respondent

WD76827

Labor and Industrial Relations Commission

Before Division Three Judges: Witt, P.J., Ellis, and Newton, JJ.

Mr. Peavy was separated from employment in 2010. He applied for unemployment benefits, and the Division denied his request. In 2013, he contacted the Division's Appeals Tribunal by written letter about the denial. The Appeals Tribunal construed the letter as an appeal from the denial and dismissed it as untimely. The Appeals Tribunal set the dismissal aside upon Peavy's request. It ordered a hearing on the timeliness of his appeal and the merits. Peavy failed to call in at the designated time, so the dismissal was reinstated. The Appeals Tribunal again set the dismissal aside upon Peavy's request. A hearing was held on Peavy's failure to appear, the timeliness of the appeal, and the merits. During the hearing, Peavy testified that he was confused about the call in instructions. The Appeals Tribunal reinstated the dismissal because his reason did not constitute a justifiable ground under the law. Subsequently, the Commission affirmed and adopted the Appeals Tribunal's decision. Peavy appeals.

DISMISSED.

Division Three Holds:

In the two points, Peavy challenges the Division's initial denial of his benefits. He fails to challenge the Commission's decision that dismissed his appeal for failure to appear. The law requires that the appellate court address only those issues determined by the Commission. The Commission did not rule on the merits. Thus, the appeal is dismissed.

Opinion by Thomas H. Newton, Judge

August 5, 2014

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